

REMARKS

Applicants and Applicants' attorneys express appreciation to the Examiner for the courtesy of the interview held on June 10, 2003. The amendments made by this paper are consistent with the proposals discussed during the interview. Accordingly, claims 1-4 and 7-27 are presented for reconsideration. Of those claims, claims 1, 4, 15, and 24 are the independent claims at issue.

The drawings were objected to for including reference signs not mentioned in the description. By this paper, the paragraph that begins at line 12 of page 14, has been amended to include "methods 73 and properties 74" as shown in Figures 2 and 3. Accordingly, Applicants respectfully request withdrawal of the objection to the drawings.

If the Office Action, all pending claims were rejected as unpatentable over the cited prior art. In particular, the independent claims at issue (1, 4, 15, and 24) were rejected under 35 U.S.C. § 102(b) as being anticipated by TETware Release 3.3 ("TETware"), as documented in the TETware User Guide, Revision 1.2 ("TETware UG") and TETware Programmers Guide, Revision 1.2 ("TETware PG"). The dependent claims were rejected either as anticipated by TETware or as unpatentable over TETware in view of U.S. Patent No. 6,505,342 to Hartmann et al. ("*Hartmann*").¹

Of the independent claims at issue, claim 1 is directed to a system for carrying out Applicants' invention, claims 4 and 15 are directed to a method and corresponding computer program product for practicing Applicants' invention, and claim 24 is also directed to a method of practicing Applicants' invention. During the interview, proposed amendments to independent claim 1 were discussed. The amendments made by this paper are consistent with the proposals discussed during the interview. In particular, amendments made to independent method and computer program product claims 4, 15, and 24 are analogous to the amendments made to independent system claim 1.

As discussed during the Interview, embodiments of the invention include a computer system for selecting and organizing individual test cases, from a program module of test cases, for use in testing a computer program to ensure that the program processes as intended. The

¹ *Hartmann* qualifies as "prior art," if at all, under 35 U.S.C. § 102(e). Applicants, therefore, reserve the right to challenge the status of *Hartmann* as proper reference should such become necessary or desirable in Applicants' view. Accordingly, no argument herein should be construed as acquiescing in the "prior art" status of *Hartmann*, and all such arguments are made simply assuming *arguendo* that the reference qualifies as prior art.

system includes a program module containing a plurality of individually accessible test cases. Each test case comprises a set of instructions for testing a feature of the computer program through a language and format independent interface. At least some of the individually accessible test cases differ from one another in format. The system also includes a harness comprising a set of instructions that executes a test case hierarchy on the computer program using the corresponding language and format independent interface of each individually accessible test case in the test case hierarchy. A connector comprising a set of instructions scans the plurality of test cases and extracts those test cases to be used to test the computer program to insure that it processes as intended. The connector creates a hierarchy of test cases from those that are selected and extracted, and selectively integrates an interface between the test case hierarchy and the harness regardless of the language or format in which the test cases were written. The system also includes a processor for executing the one or more test cases, the harness and the connector. As noted, the method as claimed in the remaining independent claims at issue have been similarly defined by the claims as presented herein for reconsideration.

As pointed out during the Interview, Applicants' claimed invention is not anticipated or made obvious by the prior art of record, either singly or in combination. For example, TETware UG and TETware PG describe a test case manager. The Test Case Manager (TCM) is not a separate program but is instead linked with user-supplied test code and an API library to produce an executable test case. See TETware PG, Section 2.4.2; TETware UG, Section 6.4. There is a separate TCM module for each API that is supported by TETware. *Id.* The TETware UG describes a variety of components, including separate test case managers for C, C++, Shell, Korn Shell, Perl, etc., for use in "build[ing] test cases written in C, C++, Shell, Korn Shell and Perl." TETware UG, Section 2.4. Accordingly, the TETware PG and TETware UG disclose test cases and test case managers *that are specific to the language and format used to write the test cases.*

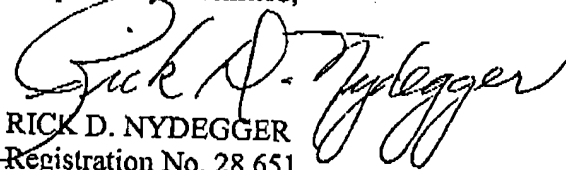
In sharp contrast to the prior art of record, Applicants' invention requires test cases with *a language and format independent interface* for executing the test case on a computer program. The test cases may be extracted from a program module that includes a plurality of test cases, some of varying formats, then organized into a hierarchy of test cases, and executed on the computer program *regardless of the language or format used to develop the test case.*

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that the claimed methods, systems, and computer program products are patentable over the cited prior

art.² However, in the event the Examiner finds any remaining impediment to allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2 day of July, 2003.

Respectfully submitted,



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² For the record, Applicants note that the amendments to the dependent claims were made to promote consist claim terminology with their corresponding independent claim and/or to correct grammar or spelling errors. Therefore, the amendments to the dependent claims do not evince an intent to surrender subject matter or narrow the claims. Similarly, the subject matter of any canceled dependent claim has been incorporated into other claims and is made without prejudice or an intent to surrender subject matter. Finally, Applicants submit that the amendments to the claims render the rejections and assertions in the Office Action moot. Therefore, Applicants reserve the right to challenge those rejections and assertions in the future.